

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today
(1) was not written for publication in a law journal and
(2) is not binding precedent of the Board.

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHRIS W. KORINEK

Appeal No. 96-2987
Application 08/346,060¹

ON BRIEF

Before COHEN, STAAB and McQUADE, Administrative Patent Judges.
COHEN, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims
1 through 13. These claims constitute all of the claims in
the application.

Appellant's invention pertains to an apparatus for attaching
a screw-on electrical connector to a plurality of wires. A
further understanding of the invention can be derived from a

¹ This application was filed November 29, 1994.

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reading of exemplary claim 1, a copy of which is appended to appellant's brief.

As evidence of obviousness, the examiner has applied the documents listed below:

Abell et al. (Abell)	3,834,252	Sep. 14, 1974
Tuttle	4,823,650	Apr. 25, 1989
Johnson	4,982,627	Jan. 8, 1991
Zumeta	5,031,488	Jul. 16, 1991
Akazawa	5,360,073	Nov. 1, 1994

The following rejections are before us for review.

Claims 1 through 7 stand rejected under 35 U.S.C. § 103 as being unpatentable over Tuttle in view of Abell, or in the alternative, Abell in view of Tuttle.

Claims 8 and 9 stand rejected under 35 U.S.C. § 103 as being unpatentable over Tuttle in view of Abell, or in the alternative, Abell in view of Tuttle, further in view of Zumeta or Johnson.

Claims 10 through 13 stand rejected under 35 U.S.C. § 103 as being unpatentable over Tuttle in view of Abell, or in the alternative, Abell in view of Tuttle, further in view of Akazawa.²

² This rejection reflects the correction noted in the Supplemental Examiner's Answer (Paper No. 12).

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The full text of the examiner's rejections and response to the argument presented by appellant appears in the answer (Paper No. 10), while the complete statement of appellant's argument can be found in the brief (Paper No. 9).

OPINION

In reaching our conclusion on the obviousness issues raised in this appeal, this panel of the board has carefully considered appellant's specification and claims, the applied teachings,³ and the respective viewpoints of appellant and the examiner. As a consequence of our review, we make the determination which follows.

We reverse each of the examiner's rejections of appellant's claims under 35 U.S.C. § 103.

Independent claims 1 and 10 each set forth an apparatus for attaching a screw-on electrical connector to a plurality of

³ In our evaluation of the applied teachings, we have considered all of the disclosure of each teaching for what it would have fairly taught one of ordinary skill in the art. See In re Boe, 355 F.2d 961, 965, 148 USPQ 507, 510 (CCPA 1966). Additionally, this panel of the board has taken into account not only the specific teachings, but also the inferences which one skilled in the art would reasonably have been expected to draw from the disclosure. See In re Preda 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

wires. The apparatus includes, inter alia, a tool having a member for engaging a screw-on electrical connector in order to twist the screw-on electrical connector onto the plurality of wires. The apparatus further comprises indicia. In claim 1, the indicia is required to be associated with the torque limiting device indicating adjustments of the mechanism for a plurality of combinations of quantities and sizes of wires to be connected by the screw-on electrical connector. In claim 10, the indicia is required to be on the apparatus indicating different torque settings for the mechanism which indicia designate a number and size of wires to be connected.

The difficulty we have with the examiner's rejections is that the evidence fails to support a conclusion of obviousness. Thus, for the reasons more fully explained below, we are constrained to reverse each of the rejections before us.

Tuttle (column 1, lines 18 through 22) teaches a power driven wrench for wire connectors and reveals that proper connection torque is difficult to achieve when many wires are connected together. Thus, according to Tuttle, wrenches have been developed to ensure that all connections are properly torqued.

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Abell teaches a portable, power operated tool which is universally adjustable to properly torque a wide variety of screw sizes and joint types (column 1, lines 47 through 52). As indicated by the patentee (column 5, lines 7,8), settings at a given torque level can be made by the provision of index numbers and a pointer.

When we collectively evaluate these latter teachings, following the examiner's alternative rationales, we fail to derive therefrom any suggestion for the claimed apparatus indicia indicating adjustments or settings for the mechanism of the torque limiting device for the quantities or number and sizes of wires to be connected.

The respective patents to Johnson, Zumeta, and Akazawa do not overcome the deficiencies of the Tuttle and Abell documents. Specifically, it is apparent to us that the color chart and method of tool identification of Johnson and the color coding system of Zumeta for tools or other hand manipulated devices simply do not provide the requisite suggestion for the particular apparatus indicia now claimed.

In summary, this panel of the board has:

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reversed the rejection of claims 1 through 7 under 35 U.S.C. § 103 as being unpatentable over Tuttle in view of Abell, or in the alternative, Abell in view of Tuttle;

reversed the rejection of claims 8 and 9 under 35 U.S.C. § 103 as being unpatentable over Tuttle in view of Abell, or in the alternative, Abell in view of Tuttle, further in view of Zumeta or Johnson; and

reversed the rejection of claims 10 through 13 under 35 U.S.C. § 103 as being unpatentable over Tuttle in view of Abell, or in the alternative, Abell in view of Tuttle, further in view of Akazawa.

The decision of the examiner is reversed.

REVERSED

IRWIN CHARLES COHEN
Administrative Patent Judge

LAWRENCE J. STAAB
Administrative Patent Judge

JOHN P. McQUADE
Administrative Patent Judge

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